

S P E C I F I C A T I O N A M E N D M E N T S

Please **AMEND** the paragraph that begins on page 1, line 4 as follows:

The present application is a continuation-in-part of ~~co-pending~~ U.S. Patent Application No. 09/083,483, entitled "METHOD AND APPARATUS FOR SELLING AN AGING FOOD PRODUCT," filed on May 22, 1998 and issued as U.S. Patent No. 6,298,331 on October 2, 2001; which is a continuation-in-part application of ~~co-pending~~ U.S. Patent Application No. 08/920,116, entitled "METHOD AND SYSTEM FOR PROCESSING SUPPLEMENTARY PRODUCT SALES AT A POINT-OF-SALE TERMINAL," filed on August 26, 1997 and issued as U.S. Patent No. 6,119,099 on September 12, 2000; which is a continuation-in-part of ~~co-pending~~ U.S. Patent Application No. 08/822,709, entitled "SYSTEM AND METHOD FOR PERFORMING LOTTERY TICKET TRANSACTIONS UTILIZING POINT-OF-SALE TERMINALS," filed on March 21, 1997; and issued as U.S. Patent No. 6,267,670 on July 31, 2001. ~~each of which are incorporated herein by reference.~~

Each of the above-referenced applications is incorporated by reference herein in its entirety.

Please **REPLACE** the heading on page 1, line 20

CROSS REFERENCE TO CO-PENDING APPLICATIONS as follows:

CROSS REFERENCE TO RELATED APPLICATIONS

Please amend the second paragraph on page 1 as follows:

The present invention is related to the following co-pending United States Patent Applications:

U.S. Patent Application Ser. No. 08/923,683 entitled "~~Conditional Purchase Offer (CPO) Management System for Packages~~" "CONDITIONAL PURCHASE OFFER (CPO) MANAGEMENT SYSTEM FOR PACKAGES," filed on September 4, 1997 and issued as U.S. Patent No. 6,553,346 on April, 22, 2003 in the name of Jay S. Walker et al.; and U.S. Patent Application Ser. No. 09/012,163 entitled "~~Method and Apparatus for Automatically Vending a Combination of Products~~" "METHOD AND APPARATUS FOR AUTOMATICALLY VENDING A COMBINATION OF PRODUCTS," filed on January 22, 1998 and issued as U.S. Patent No. 6,397,193 on May 28, 2002 in the name of Jay S. Walker et al., each assigned to the assignee of the present invention and incorporated by reference herein.

Please **AMEND** the third paragraph that begins on page 14, line 24 as follows:

Referring to FIG. 9, another embodiment of the automated kitchen apparatus 20 includes the demand forecasting apparatus 168, the printer 170 and the monitor 172 described above with reference to FIG. 7. A food component warmer 210 holds cooked food components, and keeps those food components warm while they await being assembled into food products. The food component warmer 210 may be the Welbilt UHC4TP universal holding cabinet or may be a device utilizing controlled vapor technology ("CVAP"), a cooking, holding and thermalizing technology developed by Winston Industries of Louisville, KY for maintaining food temperature and moisture content.

Please **AMEND** the fourth paragraph that begins on page 21, line 21 and ends on page 22, line 2 as follows:

Once the (reduced) price of the selected food product has been determined, an appropriate offer is provided to the customer (step 350). For example, the POS terminal may display a textual message indicating the selected food product and price to the customer and/or cashier. If the customer does not accept the offer (step 352), the cashier so indicates by actuating an appropriate button on the POS terminal, and the transaction is processed in a conventional manner (step 344). If the customer does accept the offer, the aged inventory database is appropriately adjusted (step 353) to reflect the sold food product. For example, the corresponding quantity indicated for a food product is reduced by one if one food product is sold. In one embodiment a separate inventory database, such as a database of food components available for use in the restaurant, is appropriately adjusted as well (step 354). The ~~deman~~ demand forecasting data may also be ~~udpated~~ updated based on the customer's acceptance or rejection of the offer.

Please **AMEND** the paragraphs beginning on page 22, line 9 and ending on page 23, line 3 as follows:

The parent application of the present application, U.S. Patent Application No. 08/920,116, entitled "METHOD AND SYSTEM FOR PROCESSING SUPPLEMENTARY PRODUCT SALES AT A POINT-OF-SALE TERMINAL," filed on August 26, 1997 and issued as U.S. Patent No. 6,119,099 on September 12, 2000, describes a method and apparatus in which a customer at a POS terminal is offered an "upsell" in exchange for an amount of change he is due. The POS terminal determines an upsell in dependence on a purchase of the customer, and

also determines an upsell price (the amount of change due) based on the purchase. For example, a customer purchasing a first product for \$1.74 and tendering \$2.00 may be offered a second product in lieu of the \$0.26 change due ("round-up amount"). The upsell price, \$0.26, thus depends on the purchase price \$1.74. Similarly, the \$2.00 "rounded price" may also depend on the purchase price \$1.74. In this example, the rounded price is the next-greater whole number amount of dollars greater than the purchase price \$1.74.

The method and apparatus of the parent application may be advantageously used with the present invention described herein to allow customers to purchase aged inventory for their change due. In particular, since customers generally do not know which food products are aged, it is difficult or impossible for customers to predict which food products will be offered to them. Accordingly, there is a significant randomness in the offers, which prevents customers from successfully taking advantage of the offering process. To further ensure that customers cannot ~~successfully~~ ~~successfully~~ guess what offer will be presented to them, the selection of what food product to offer may comprise a random selection of a food product from the food products that are available as an upsell for a given transaction. Further, the process of the present invention may include a random determination of whether or not to offer an upsell at all, even if a food product is available as an upsell.

Please **AMEND** the paragraph beginning on page 23, line 4 as follows:

FIGsS. 15A and 15B describe a method 380 performed by a POS terminal of the restaurant apparatus 10 (FIG. 1) for selling an aging food product. The POS terminal logs on a POS terminal operator (e.g. a cashier) (step 381), which is typically performed once when an operator begins or resumes operation of the

POS terminal (i.e. at the beginning of the operator's shift, or after he has returned from a break). Logging on includes inputting into the POS terminal a unique operator identifier. Thus, subsequent operations performed by or on the POS terminal may be associated with the operator. Benefits to such operating tracking are described below.

Please **AMEND** the paragraph beginning on page 23, line 23 and ending on page 24, line 9 as follows:

If there are no food products that correspond to the predetermined age categories (i.e. no aged inventory), then the customer transaction is processed in a conventional manner (step 390). Otherwise, the POS terminal determines whether any of these aged food products have a minimum price that is less than or equal to the round-up amount (step 392). If any do, at least one is selected and offered to the customer (step 394). For example, all of the food products that correspond to the predetermined age categories and which have a minimum price that is less than or equal to the round-up amount may be placed into a pool of available upsell products for the transaction. If there is more than one product in this pool of available upsell products, the POS terminal may then select one or more specific products to be presented to the customer as an upsell. Such a selection may be based on characteristics of the transaction (e.g. what food products did the customer purchase), characteristics of the customer (e.g. the gender of the customer), or other selection criteria set by an operator of the system. Examples of other criteria include weightings or preferences for a certain food product or type of food product. Such weightings or preferences may be based on, for example, the amount of that food product currently in inventory, relative amounts of food

products currently in inventory or a promotion for a particular food product or type of food product currently in progress.

Please **AMEND** the paragraph beginning on page 26, line 4 as follows:

In another embodiment of the present invention, aged food products may be sold in packages that include a plurality of food products. Selling packages of items is described in ~~commonly-owned co-pending~~ U.S. Patent Application Ser. No. 08/923,683 entitled ~~"Conditional Purchase Offer (CPO) Management System for Packages"~~ "CONDITIONAL PURCHASE OFFER (CPO) MANAGEMENT SYSTEM FOR PACKAGES" filed on September 4, 1997 and issued as U.S. Patent No. 6,553,346 on April 22, 2003 in the name of Jay S. Walker et al.; and U.S. Patent Application Ser. No. 09/012,163 entitled ~~"Method and Apparatus for Automatically Vending a Combination of Products"~~ "METHOD AND APPARATUS FOR AUTOMATICALLY VENDING A COMBINATION OF PRODUCTS" filed on January 22, 1998 and issued as U.S. Patent No. 6,397,193 on May 28, 2002 in the name of Jay S. Walker et al., each incorporated herein by reference. For example, a plurality of aged food products may be offered to a customer for a package price that is lower than the sum of the (reduced) prices of the individual food products. Such a package price is typically based on the individual reduced prices, and thus is based on the times until expiration of the individual food products. Alternatively, a package may include an aged food product and a food product that is not aged. The corresponding package price may be, for example, the retail price of the food product that is not aged. If so, the offer may be "buy product X, get product Y free". Alternatively, the package price may be the customer's change due if the change due is greater than the retail price of the food product that is not aged.

Please **AMEND** the paragraph beginning on page 28, line 11 as follows:

Furthermore, although the exemplary environment described throughout the present ~~A~~application has been that of a quick service restaurant, it should be understood that the present invention may be utilized in other types of environments. For example, an upscale eat-in restaurant, a coffee shop or a diner could also benefit from such an invention. The type of product sold by the entity practicing this invention may also vary and is not restricted to food products. As discussed above, a product may be a good or a service. Thus, the present invention could be applied to service retailers such as automobile service providers, beauty salons, and photo processing providers. For example, an automobile service provider may utilize the present invention to determine that a mechanic or other service personnel will be available for another hour and that a service bay will be empty for a predetermined amount of time and accordingly offer extra services for a price based on a round-up amount to a price of a service already ordered (e.g. discounted tire rotation as upsell to ordered oil change for round-up amount from purchase price of oil change).